

RM

RECEIVED

APR 26 2016

UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOISTHOMAS S. BRUTON  
CLERK, U S DISTRICT COURTLeslie S. Kamin

(Name of the plaintiff or plaintiffs)

v.

Neiman / Marcus

(Name of the defendant or defendants)

CIVIL ACTION

NO

1:16-cv-04668

Judge Charles R. Norgle, Sr

Magistrate Judge Sheila M. Finnegan

COMPLAINT OF EMPLOYMENT DISCRIMINATION

1. This is an action for employment discrimination.

2. The plaintiff is Leslie S. Kamin of the  
county of Lake in the state of IL.3. The defendant Neiman Marcus, whose  
street address is 5000 Northbrook Court,(city) Northbrook (county) COOK (state) IL (ZIP) 60062(Defendant's telephone number) 847-564-0300

4. The plaintiff sought employment or was employed by the defendant at (street address)

5000 Northbrook Crt. (city) Northbrook, IL(county) COOK (state) IL (ZIP code) 60062

5. The plaintiff [*check one box*]

- (a) ☐ was denied employment by the defendant.  
(b) ☐ was hired and is still employed by the defendant.  
(c) ☒ was employed but is no longer employed by the defendant.

6. The defendant discriminated against the plaintiff on or about, or beginning on or about,  
(month) March, (day) 1st, (year) 2016

7.1 (*Choose paragraph 7.1 or 7.2, do not complete both.*)

(a) The defendant is not a federal governmental agency, and the plaintiff [*check one box*] ☐ *has not* ☒ *has* filed a charge or charges against the defendant asserting the acts of discrimination indicated in this complaint with any of the following government agencies:

(i) ☒ the United States Equal Employment Opportunity Commission, on or about  
(month) 3 (day) 10<sup>th</sup> (year) 2016

(ii) ☐ the Illinois Department of Human Rights, on or about  
(month) \_\_\_\_\_ (day) \_\_\_\_\_ (year) \_\_\_\_\_.

(b) If charges *were* filed with an agency indicated above, a copy of the charge is attached. ☒ YES. ☐ NO, but plaintiff will file a copy of the charge within 14 days.

It is the policy of both the Equal Employment Opportunity Commission and the Illinois Department of Human Rights to cross-file with the other agency all charges received. The plaintiff has no reason to believe that this policy was not followed in this case.

7.2 The defendant is a federal governmental agency, and

(a) the plaintiff previously filed a Complaint of Employment Discrimination with the defendant asserting the acts of discrimination indicated in this court complaint.

☐ Yes (month) \_\_\_\_\_ (day) \_\_\_\_\_ (year) \_\_\_\_\_

☐ No, did not file Complaint of Employment Discrimination

(b) The plaintiff received a Final Agency Decision on (month) ~~Dec~~ 4-14-16 *JK*  
(day) ~~18~~ (year) ~~2015~~.

(c) Attached is a copy of the

(i) Complaint of Employment Discrimination,

☒ YES ☐ NO, but a copy will be filed within 14 days.

(ii) Final Agency Decision

☒ YES ☐ NO, but a copy will be filed within 14 days.

8. (Complete paragraph 8 only if defendant is not a federal governmental agency.)

(a) ☐ the United States Equal Employment Opportunity Commission has not issued  
a *Notice of Right to Sue*.

(b) ☒ the United States Equal Employment Opportunity Commission has issued a  
*Notice of Right to Sue*, which was received by the plaintiff on  
(month) 4 (day) 14<sup>th</sup> (year) 2016 a copy of which  
*Notice* is attached to this complaint.

9. The defendant discriminated against the plaintiff because of the plaintiff's [*check only those that apply*]:

(a) ☒ Age (Age Discrimination Employment Act).

(b) ☐ Color (Title VII of the Civil Rights Act of 1964 and 42 U.S.C. §1981).

- (c) ☒ Disability (Americans with Disabilities Act or Rehabilitation Act)
- (d) ☐ National Origin (Title VII of the Civil Rights Act of 1964 and 42 U.S.C. §1981).
- (e) ☐ Race (Title VII of the Civil Rights Act of 1964 and 42 U.S.C. §1981).
- (f) ☐ Religion (Title VII of the Civil Rights Act of 1964)
- (g) ☐ Sex (Title VII of the Civil Rights Act of 1964)
10. If the defendant is a state, county, municipal (city, town or village) or other local governmental agency, plaintiff further alleges discrimination on the basis of race, color, or national origin (42 U.S.C. § 1983).
11. Jurisdiction over the statutory violation alleged is conferred as follows: for Title VII claims by 28 U.S.C. §1331, 28 U.S.C. §1343(a)(3), and 42 U.S.C. §2000e-5(f)(3); for 42 U.S.C. §1981 and §1983 by 42 U.S.C. §1988; for the A.D.E.A. by 42 U.S.C. §12117; for the Rehabilitation Act, 29 U.S.C. § 791.
12. The defendant [*check only those that apply*]
- (a) ☐ failed to hire the plaintiff.
- (b) ☒ terminated the plaintiff's employment.
- (c) ☐ failed to promote the plaintiff.
- (d) ☐ failed to reasonably accommodate the plaintiff's religion.
- (e) ☒ failed to reasonably accommodate the plaintiff's disabilities.
- (f) ☐ failed to stop harassment;
- (g) ☐ retaliated against the plaintiff because the plaintiff did something to assert rights protected by the laws identified in paragraphs 9 and 10 above;
- (h) ☐ other (specify): \_\_\_\_\_
-



Hina Kern - Corporate HR  
 MS Kern's Office # 214-573-5686  
 her cell = 214 450-3407.

- When I asked for a few days medical leave, I was demoted by <sup>Yolanda</sup> Ward to a lower position and lower salary, and terminated by The Dallas main office Ms Kern. I never was given the opportunity to work in my demoted + lower position.
13. The facts supporting the plaintiff's claim of discrimination are as follows: I was terminated in violation of the ADA and The Age discrimination act in employment.
- When I specifically told Yolanda Ward, H.R., + sent my psychiatrist's letter to her attention, that I am an individual w/a disability + require some very reasonable accommodations, Yolanda Ward unreasonably refused to consider any accommodation of my disabilities.
14. [AGE DISCRIMINATION ONLY] Defendant knowingly, intentionally, and willfully discriminated against the plaintiff. and discharged me because of my disabilities in violation of ADA + ADEA.
15. The plaintiff demands that the case be tried by a jury. ☐ YES ☒ NO
16. THEREFORE, the plaintiff asks that the court grant the following relief to the plaintiff [check only those that apply]
- (a) ☐ Direct the defendant to hire the plaintiff.
- (b) ☒ Direct the defendant to re-employ the plaintiff.
- (c) ☐ Direct the defendant to promote the plaintiff.
- (d) ☐ Direct the defendant to reasonably accommodate the plaintiff's religion.
- (e) ☒ Direct the defendant to reasonably accommodate the plaintiff's disabilities.
- (f) ☐ Direct the defendant to (specify): \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(g) ☒ If available, grant the plaintiff appropriate injunctive relief, lost wages, liquidated/double damages, front pay, compensatory damages, punitive damages, prejudgment interest, post-judgment interest, and costs, including reasonable attorney fees and expert witness fees.

(h) ☒ Grant such other relief as the Court may find appropriate.

(Plaintiff's signature)

Leslie S. Kamin

(Plaintiff's name)

Leslie S. Kamin

(Plaintiff's street address)

6 Newgate Ct.

Lake Zurich, IL 60047

(City) Lake Zurich (State) IL (ZIP) 60047

(Plaintiff's telephone number) (224) 616 7766

Date: 4/20/16

## U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

## DISMISSAL AND NOTICE OF RIGHTS

To: **Leslie S. Kamin**  
**6 Newgate Court**  
**Lake Zurich, IL 60047**

From: **Chicago District Office**  
**500 West Madison St**  
**Suite 2000**  
**Chicago, IL 60661**

☐

On behalf of person(s) aggrieved whose identity is  
 CONFIDENTIAL (29 CFR §1601.7(a))

EEOC Charge No.

EEOC Representative

Telephone No.

440-2016-02996

**Sergio Maldonado,**  
**Investigator Support Assistant**

(312) 869-8129

## THE EEOC IS CLOSING ITS FILE ON THIS CHARGE FOR THE FOLLOWING REASON:

☐

The facts alleged in the charge fail to state a claim under any of the statutes enforced by the EEOC.

☐

Your allegations did not involve a disability as defined by the Americans With Disabilities Act.

☐

The Respondent employs less than the required number of employees or is not otherwise covered by the statutes.

☐

Your charge was not timely filed with EEOC; in other words, you waited too long after the date(s) of the alleged discrimination to file your charge

☒

The EEOC issues the following determination: Based upon its investigation, the EEOC is unable to conclude that the information obtained establishes violations of the statutes. This does not certify that the respondent is in compliance with the statutes. No finding is made as to any other issues that might be construed as having been raised by this charge.

☐

The EEOC has adopted the findings of the state or local fair employment practices agency that investigated this charge.

☐

Other (briefly state)

## - NOTICE OF SUIT RIGHTS -

(See the additional information attached to this form.)

**Title VII, the Americans with Disabilities Act, the Genetic Information Nondiscrimination Act, or the Age Discrimination in Employment Act:** This will be the only notice of dismissal and of your right to sue that we will send you. You may file a lawsuit against the respondent(s) under federal law based on this charge in federal or state court. Your lawsuit **must be filed WITHIN 90 DAYS of your receipt of this notice**; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a claim under state law may be different.)

**Equal Pay Act (EPA):** EPA suits must be filed in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that **backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.**

On behalf of the Commission

*Julianne Bowman*  
 Julianne Bowman,  
 District Director

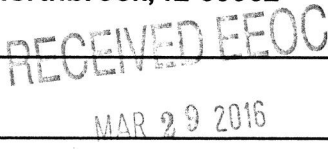

*4/14/16*  
 (Date Mailed)

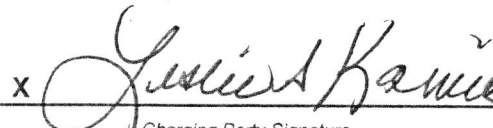
Enclosures(s)

cc: **THE NEIMAN MARCUS GROUP**  
**c/o Paulo Sotelo**  
**Paralegal**  
**One Marcus Square**  
**1618 Main Street**  
**Dallas, TX 75201**



EEOC Form 5 (11/09)

<b>CHARGE OF DISCRIMINATION</b> This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.		Charge Presented To: Agency(ies) Charge No(s): <input type="checkbox"/> FEPA <input checked="" type="checkbox"/> EEOC <b>440-2016-02996</b>	
<b>Illinois Department Of Human Rights</b> and EEOC <i>State or local Agency, if any</i>			
Name (indicate Mr., Ms., Mrs.) <b>Ms. Leslie S. Kamin</b>		Home Phone (Incl. Area Code) <b>(224) 616-7766</b>	
Date of Birth <b>06-20-1952</b>			
Street Address <b>6 Newgate Court, Lake Zurich, IL 60047</b>			
City, State and ZIP Code			
Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I Believe Discriminated Against Me or Others. (If more than two, list under PARTICULARS below.)			
Name <b>NEIMAN MARCUS</b>		No. Employees, Members <b>201 - 500</b>	
Phone No. (Include Area Code) <b>(847) 564-0300</b>			
Street Address <b>5000 Northbrook Ct, Northbrook, IL 60062</b>			
City, State and ZIP Code			
Name <div style="text-align: center;">  </div>		No. Employees, Members 	
Phone No. (Include Area Code) 			
Street Address <div style="text-align: center;">  </div>			
City, State and ZIP Code			
DISCRIMINATION BASED ON (Check appropriate box(es).) <input type="checkbox"/> RACE <input type="checkbox"/> COLOR <input type="checkbox"/> SEX <input type="checkbox"/> RELIGION <input type="checkbox"/> NATIONAL ORIGIN <input checked="" type="checkbox"/> RETALIATION <input checked="" type="checkbox"/> AGE <input checked="" type="checkbox"/> DISABILITY <input type="checkbox"/> GENETIC INFORMATION <input type="checkbox"/> OTHER (Specify)		DATE(S) DISCRIMINATION TOOK PLACE Earliest                      Latest <b>03-10-2016</b> <input type="checkbox"/> CONTINUING ACTION	
THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)): <p><b>I began my employment with Respondent on or about February 26, 2016. My current position is Intimate Apparel Sales Associate. Respondent was aware of my disability. During my employment, I requested a reasonable accommodation. Subsequently, I was demoted, my wages were reduced, and I was discharged.</b></p> <p><b>I believe I have been discriminated against because of my disability, and in retaliation for engaging in protected activity, in violation of the Americans with Disabilities Act of 1990, as amended.</b></p> <p><b>I also believe I have been discriminated against because of my age, 63 (DOB: June 20, 1952), and in violation for engaging in protected activity, in violation of the Age Discrimination in Employment Act of 1967, as amended.</b></p>			

I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.		NOTARY – When necessary for State and Local Agency Requirements	
I declare under penalty of perjury that the above is true and correct.		I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief. SIGNATURE OF COMPLAINANT	
<div style="text-align: center;">  </div>		SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE (month, day, year)	
<div style="text-align: center;"> <b>3/23/16</b>          Date       </div>		<div style="text-align: center;"> <b>Leslie S. Kamin</b>          Charging Party Signature       </div>	